

Appl. No. 10/780,388
Amendment
November 19, 2004

Remarks/Arguments

This paper addresses the issues raised in the Office Action mailed 20 August 2004. This amendment is submitted in compliance with the guidelines of the revised amendment practice. See 1267 Off. Gazette 106.

Claims 1-18 are currently pending. The drawings were objected to under 37 CFR 1.83(a). Claim 1, 2, 8, 13, 14, and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by Del Vecchio (USPN 3,718,111). Claims 3-5 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Schulz, Jr. (USPN 3,324,488). Claims 6-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Schulz, Jr., and further in view of Salmons (USPN 5,331,914). Claim 9 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Pingel (USPN 4,856,452). Claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Tether (USPN 5,863,228). Claims 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Tether, and further in view of LeBlanc et al. (USPN 5,606,930). Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Rytand et al. (USPN 6,450,737). Claims 1 and 7 have been amended. Claim 6 has been cancelled. No new matter has been added. As set out below, Applicant respectfully submits that the present invention as claimed is patentable over the cited art and urges the Examiner to reconsider the pending rejections.

Drawing Objection

The Examiner has initially objected to the drawings due to features set out in the claims not being shown in the drawings. Specifically, the seat pedestal connected to a door in Claim 7 and the pole light in Claim 9 are not shown. In response, Figure 1 has been amended to show the

Appl. No. 10/780,388
Amendment
November 19, 2004

light pole and a new Figure 4 has been added to show the seat pedestal being connected to a door. The written description has been amended to reflect the changes to these Figures. No new matter has been added. Reconsideration of this objection is respectfully requested.

Claims Rejection - 35 U.S.C. § 102(b)

Examiner Wright has rejected Claim 1, 2, 8, 13, 14, and 17 under 35 U.S.C. § 102(b) as being anticipated by Del Vecchio (USPN 3,718,111). Claim 1 has been amended. As shown below, it is respectfully submitted that independent Claim 1, as amended, and dependent Claims 2, 8, 13, 14 and 17 are not anticipated by Del Vecchio. Reconsideration is respectfully requested.

In making this rejection, Examiner Wright concluded that Del Vecchio included all the limitations of the stated claims. More specifically, it was concluded that this referenced disclosed a hull (12) having a topside, forward end and aft end; a first slot (47) in the forward end; a second slot (62) in the aft end; a rudder (64) connected to the aft end; and a motor (38) connected to the hull in the forward portion. As a preliminary matter, it is respectfully pointed out that a first slot having the reference numeral 47 could not be located within the cited reference. Further, reference numeral (62) refers to a fuel tank. (Col. 3, Line 45). Considering the most applicable definition of a "slot" is set out as "a narrow depression, perforation, or aperture; esp., one for the reception of a piece fitting or sliding in it," Webster's Revised Unabridged Dictionary, © 1996, 1998 MICRA, Inc, reference numeral (62) is not a slot as relied upon by the Examiner. Thus, it is submitted that the cited reference does not include two elements of the claimed invention, i.e. a first slot located in the forward end and a second slot located in the aft end.

Notwithstanding the above, Claim 1 has been amended to further describe the location

Appl. No. 10/780,388
Amendment
November 19, 2004

of the slots. Both slots are located along the peripheral edge of the forward end and aft end respectively, as shown in the Figures. No new matter has been added. Further, Claim 1 has been amended to include the motor being connected to the inventive boat within the first slot and the inventive boat's rudder being connected within the second slot. More over, Claim 1 has been amended to include a seat having a seat pedestal connected to the topside of the inventive boat. It is respectfully submitted that the cited reference does not include these elements. Reconsideration of this rejection is respectfully submitted.

Claims Rejection - 35 U.S.C. § 103(a); Claims 3-5 and 18

Examiner Wright has rejected Claims 3-5 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Schulz, Jr. (USPN 3,324,488). In making this rejection, Examiner Wright stated that Del Vecchio disclosed all aspects of these claims except for a compartment having a door element. However, according to the Examiner, Schulz so discloses and is obvious to combine these references.

Claims 3-5 and 8 depend from Claim 1. As set out above, Del Vecchio does not include all the limitations of Claim 1, as amended. The addition of Schulz does not include the missing elements of claim 1, i.e. slots in the peripheral edges and a pedestal seat. As such, it is respectfully submitted that these claims are not rendered unpatentable by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claims 6 and 7

Examiner Wright has rejected Claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Schulz, Jr., and further in view of Salmons (USPN 5,331,914). In making this rejection, Examiner Wright stated that Del Vecchio disclosed all aspects of these claims except for a pedestal seat. However, according to the Examiner,

Appl. No. 10/780,388
Amendment
November 19, 2004

Salmons so discloses and is obvious to combine these references.

Claim 7 depends from Claim 1. Claim 6 has been cancelled and its limitations have been added to claim 1. No limitation of equivalents is intended. As set out above, Del Vecchio does not include all the limitations of Claim 1, as amended. The addition of Schulz does not include the missing elements of claim 1, i.e. slots in the peripheral edges and a pedestal seat. Moreover, the addition of Salmons does not include the slots in the peripheral edge limitations.

Additionally, Schulz discloses a single person "floater" boat. The user is positioned within the interior of the device and "sits" down into the water. There is no disclosure, suggestion or motivation to use a pedestal seat with this reference. Moreover, the inclusion of a pedestal seat would defeat the purpose of this reference. Thus, it is respectfully submitted that there is no motivation, suggestion or teaching to combine Schulz with Salmon. As such, it is respectfully submitted that these claims are not rendered unpatentable by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claim 9

Examiner Wright has rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Pingel (USPN 4,856,452). In making this rejection, Examiner Wright stated that Del Vecchio disclosed all aspects of these claims except for pole light element. However, according to the Examiner, Pingel so discloses and is obvious to combine these references.

Claim 9 depends from Claim 1. As set out above, Del Vecchio does not include all the limitations of Claim 1, as amended. The addition of Pingel does not include the missing

Appl. No. 10/780,388
Amendment
November 19, 2004

elements of claim 1, i.e. slots in the peripheral edges and a pedestal seat. As such, it is respectfully submitted that these claims are not rendered unpatentable by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claim 10

Examiner Wright has rejected Claim 10 under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Tether (USPN 5,863,228). In making this rejection, Examiner Wright stated that Del Vecchio disclosed all aspects of these claims except for an electric motor element. However, according to the Examiner, Tether so discloses and is obvious to combine these references.

Claim 10 depends from Claim 1. As set out above, Del Vecchio does not include all the limitations of Claim 1, as amended. The addition of Tether does not include the missing elements of claim 1, i.e. slots in the peripheral edges and a pedestal seat. As such, it is respectfully submitted that these claims are not rendered unpatentable by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claims 11 and 12

Examiner Wright has rejected Claims 11 and 12 under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Tether, and further in view of LeBlanc et al. (USPN 5,606,930). In making this rejection, Examiner Wright stated that Del Vecchio disclosed all aspects of these claims except for an electric motor element and a control system for the electric motor. However, according to the Examiner, Tether discloses the electric motor and LeBlanc discloses the control system and is obvious to combine these references.

Claims 11 and 12 depend from Claim 1. As set out above, Del Vecchio does not

Appl. No. 10/780,388
Amendment
November 19, 2004

include all the limitations of Claim 1, as amended. The addition of Tether and LeBlanc does not include the missing elements of claim 1, i.e. slots in the peripheral edges and a pedestal seat. As such, it is respectfully submitted that these claims are not rendered unpatentable by the combination of these references. Reconsideration is respectfully requested.

Claims Rejection - 35 U.S.C. § 103(a); Claims 15 and 16

Examiner Wright has rejected Claims 15 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Del Vecchio in view of Rytand et al. (USPN 6,450,737). In making this rejection, Examiner Wright stated that Del Vecchio disclosed all aspects of these claims except for a shell that is watertight and airtight, and that the shell material prohibit rust, corrosion and surface abrasion, or that the shell is polyurethane. However, according to the Examiner, Rytand so discloses and is obvious to combine these references.

Claims 15 and 16 depend from Claim 1. As set out above, Del Vecchio does not include all the limitations of Claim 1, as amended. The addition of Rytand does not include the missing elements of claim 1, i.e. slots in the peripheral edges and a pedestal seat. As such, it is respectfully submitted that these claims are not rendered unpatentable by the combination of these references. Reconsideration is respectfully requested.

Appl. No. 10/780,388
Amendment
November 19, 2004

It is respectfully submitted that the present application is ready for examination. No fee is due at this time. In the event a fee is due, please contact the undersigned.

Respectfully submitted,

LARIVIERE, GRUBMAN & PAYNE



Brent A. Capehart
Reg. No. 39,620
November 19, 2004
Telephone (831) 649-8800

Amendments to the Drawings:

The attached sheets of drawings includes changes to Figure 1 and a new Figure 4. If these drawings do not satisfy these requirements, it is respectfully requested that these drawings be considered informal for purposes of examination, with new formal drawings being submitted upon allowance.

Attachment: Replacement Sheet